

## **REMARKS**

In the present Office Action, claims 1-18 were pending before the Office. Of these, claims 1, 12, 15, 16, 17, 18 were the only independent claims.

The abstract was objected to. The specification was objected to. Claims 2, 6, 8-14, and 17-18 were objected to. Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 102. Claim 13 was rejected under 35 U.S.C. § 103.

No claims have been added, canceled, or withdrawn. Claims 2, 6, 9-14, 17, and 18 have been amended. No new matter has been added by the amendments.

### **A. OBJECTION TO THE ABSTRACT**

The abstract was objected to for containing the phrase "invention". A replacement abstract has been submitted herein. Thus, Applicant respectfully requests withdrawal of the Examiner's objection.

### **B. OBJECTION TO THE SPECIFICATION**

The specification was objected to for not reciting a serial number of a related application. The specification has been amended as set forth herein. Thus, Applicant respectfully requests withdrawal of the Examiner's objection.

### **C. CLAIM OBJECTIONS**

Claims 2, 6, 8-14, 17, and 18 were objected to for the informalities set forth in the Office Action. Claims 2<sup>1</sup>, 6, 9-14, 17, and 18 have been amended as set forth herein. Thus, Applicant respectfully requests withdrawal of the Examiner's objections.

### **D. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

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<sup>1</sup> From which objected to claim 8 depends

Claims 1-12 and 14-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,272,109 to Pei et al. [hereinafter "Pei"]. Applicant respectfully traverses these rejections.

Independent claim 1 recites, inter alia,  
selecting a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe or an autonomous flow to be serviced during the time unit[.]

Independent claim 12 recites, inter alia,  
select a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe or autonomous flow to be serviced during the time unit[.]

Independent claim 15 recites, inter alia,  
selecting a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe to be serviced during the time unit[.]

Independent claim 16 recites, inter alia,  
selecting a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating an autonomous flow to be serviced during the time unit[.]

Independent claim 17 recites, inter alia,  
select a second winning entry from the plurality of main calendars during the time unit, the second winning entry indicating a second pipe to be serviced during the time unit[.]

Independent claim 18 recites, inter alia,  
select a second winning entry from the plurality of main calendars during the time

unit, the second winning entry indicating an autonomous flow to be serviced during the time unit[.]

Applicant respectfully submits that *Pei* fails to disclose at least these features. Specifically, Applicant respectfully traverses the Examiner's contention that *Pei* discloses selecting a second winning entry... indicating a second pipe or an autonomous flow to be serviced during the time unit as recited in claim 1, for example.

*Pei* is directed to hierarchical schedules for different ATM traffic. In FIG. 5, *Pei* discloses a scheduling table used in a hierarchical scheduler. Rather than teaching selecting a second winning entry indicating a *second pipe* or an *autonomous* flow to be serviced *during the time unit*, each column of FIG. 5 appears to represent a different time unit (see, e.g., col. 10., lines 47-51: "The scheduling table includes multiple lines indexed by cell transmit time. The first field in each line contains an identifier or index for one of the VPCs. The VPC index in a line effectively assigns the cell transmit time of that line to the indexed VPC"). Accordingly, *Pei* cannot properly be relied upon for teach or suggesting every feature of the independent claims. Thus, Applicant respectfully requests withdrawal of the Examiner's rejections.

#### **E. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,560,230 to Li et al. [hereinafter "*Li*"]. Applicant respectfully traverses this rejection.

Claim 13 depends from independent claim 12. The rejection of independent claim 12 is, as discussed above, deficient. Applicant respectfully submits that *Li* fails to make

up for this deficiency. Thus, Applicant respectfully requests withdrawal of the Examiner's rejection.

**F. CONCLUSION**

Since Applicant asserts that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicant asserts that all claims are allowable.

A separate Request for Extension of Time is enclosed herewith, with authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicant does not believe any other Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicant does not believe any additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

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Respectfully Submitted,



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